

MINUTES  
of  
APPROPRIATIONS COMMITTEE  
Forty-Ninth Legislative Assembly  
for  
Special Session - June 28, 1985  
1985 - 1987 Biennium

APPROPRIATIONS COMMITTEE MEMBERS

BARDANOUE, Francis, Chairman  
DONALDSON, Gene, Vice Chairman  
BRADLEY, Dorothy  
CONNELLY, Mary Ellen  
ERNST, Gene  
HAND, Bill  
LORY, Earl  
MANUEL, Rex  
MENAHAN, William  
MILLER, Ron  
MOORE, Jack  
NATHE, Dennis  
PECK, Ray  
QUILICI, Joe  
REHBERG, Dennis  
SPAETH, Gary  
SWIFT, Bernie  
THOFT, Bob  
WALDRON, Steve  
WINSLOW, Cal

Committee Secretary - Jean Carroll

MINUTES OF THE MEETING  
APPROPRIATIONS COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

June 28, 1985

The meeting of the Appropriations Committee was called to order by Chairman Bardanoue on June 28, 1985 at 10:30 a.m. in Room 104 of the State Capitol.

ROLL CALL: All members were present except Representative Miller, who was absent.

(Tape 100:A:000)

HOUSE BILL 1: "AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE SPECIAL SESSION OF THE FORTY-NINTH LEGISLATURE CONVENING ON JUNE 28, 1985; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Chairman Bardanoue, sponsor of the bill, asked Sharole Connelly, from the office of the Legislative Council, to explain the bill. She presented a paper titled "Feed Bill - Special Sessions Budget Comparison - June 28, 1985" (EXHIBIT 1).

Representative Bardanoue (043), upon being informed HB 1 contains \$6,662 for the joint House and Senate finance committee meeting last night which did not occur, suggested it is proper to reduce HB 1 by that amount. Sharole Connelly said this reduction would be \$2,961 for the Senate and \$3,701 for the House.

Representative Thoft (065) asked if the appropriation in HB 1 assumes this special session will meet for only one day. Sharole Connelly's response was yes.

Representative Moore (076) said many legislators came to Helena yesterday in response to information released by the media. The Chairman said if a committee did not meet, he questions that members can receive payment. Representative Menahan said the law says, "No meeting, no pay". He said he does not like this law, but it is the law; and he questions whether even the Taxation Committee can receive pay for meeting yesterday. Representative Moore said Senator Towe announced at the meeting of the Taxation Committee last night that it was not an official hearing. Representative Thoft agreed that Senator Towe said this.

Chairman Bardanoue (150) asked Judy Rippingale, Legislative Fiscal Analyst, if she had any comments on the points being made by the committee on payment to Legislators. Judy Rippingale replied this area has always been handled by the Legislative Council.

Sharole Connelly (168), upon request of the Chairman, read the statute pertaining to the subject under committee discussion, contained in Section 5-2-302, MCA 1983.

EXECUTIVE ACTION :

Representative Donaldson (195) made a motion that House Bill 1 be amended as follows:

1. Page 1, line 14  
Following: "Representatives"  
Strike: "\$31,550"  
Insert: "\$27,849"
2. Page 1, line 15  
Following: "Senate"  
Strike: "20,473"  
Insert: "17,512"

Representative Bradley (200) asked if payment for overnight lodging would be excluded for everyone. Representative Donaldson said yes and Representative Moore agreed saying the lodging would have to be taken out of the \$45 for today. Representative Donaldson said, as he interprets the law, payment for yesterday cannot be made. Representative Moore said he understands that the \$45 per diem for today will have to cover lodging for last night and today. Representative Menahan agreed, as did various other committee members.

Representative Quilici (215) said he was asked to come to Helena yesterday to meet with the Leadership and then after that, with the Governor. He asked if he should request payment for this. Representative Donaldson said there is money allocated for the Leadership for this purpose. Representative Menahan agreed with Representative Donaldson, as did Representative Lory.

Representative Moore (225) said the bill as amended will provide for one day's per diem, one day's salary and mileage. Representative Donaldson agreed except that money for the Taxation Committee meeting of yesterday would also be in the amended bill.

Representative Moore made a substitute motion to leave the bill unamended.

Representative Thoft (230) suggested the motion be defeated and leave it to the Legislative Council and Leadership to work out on whether or not the Taxation Committee will be paid and whether or not the news releases were meant to bring the Appropriation Committee in a day early.

Representative Bradley (260) said she thinks the Appropriations Committee should make the decision on whether or not to amend the bill, rather than leave it to be amended on the floor.

Representative Moore withdrew his substitute motion.

A roll call vote was taken on Representative Donaldson's motion

Appropriations Committee  
June 28, 1985

and the motion carried, with Representatives Moore and Thoft voting no.

Representative Waldron (321) made a motion that House Bill 1 as amended do pass. A voice vote was taken and the motion carried, with Representative Moore voting no.

Representative Winslow (327) said he was busy at the time the vote was taken on HB 1 and said he wants to offer an amendment to the bill. He made a motion the committee reconsider its action on HB 1. A voice vote was taken and the motion carried unanimously. He presented the committee with his proposed amendment (EXHIBIT 2). He said his amendment would protect the General Fund by requiring the cost of this special session to come from the \$2.1 million to be distributed back to local governments.

Representative Manuel (375) said the problem was created by the Legislature and local government should not have to be penalized. Representatives Quilici, Lory and Swift agreed. Representative Winslow said this is not a matter of whose fault it was, but rather a question of the appropriate place from which to obtain the money.

Representative Nathe (422) said if this amendment is supported, he thinks each county should be asked to write a check from its General Fund. Representative Winslow said the checks are written by the Budget Office and it would be a simple matter to take the approximately \$45,000 from the checks when the checks are sent to the counties. Representative Peck said he has been informed the checks have already been made out. Representative Winslow said he did not know if they have been made out, but he knows they have not been sent out. Representative Quilici said the checks have been written and must be sent out by June 30.

A roll call vote was taken on Representative Winslow's proposed amendment and the motion failed, with Representatives Donaldson, Connelly, Ernst, Hand, Lory, Manuel, Menahan, Nathe, Peck, Quilici, Rehberg, Swift and Thoft voting no.

Representative Donaldson (470) made a motion that House Bill 1 AS AMENDED DO PASS. A voice vote was taken and the motion carried, with Representative Moore voting no.

DEPARTMENT OF STATE LANDS

(Missoula Forest Fire)

Dennis Hemmer, Commissioner, Department of State Lands (476) said the department estimates the recent forest fire in the Missoula area will cost \$400,000. He said the department proposes to pay the "in house" expenses of the department, which must be paid by the end of the biennium, out of funds which would ordinarily revert. Other bills will be coming after July 1 and will be paid

Appropriations Committee  
June 28, 1985

from the FY86 appropriation, though the fire was in FY85. He said the department will ask for a supplemental in the 1987 session.

Representative Waldron (503) said he carried a bill which subsequently became law preventing expenditures in one fiscal year to pay for costs incurred in another fiscal year. He said if the department carries out its proposal as outlined by Dennis Hemmer, he has no doubt the department will receive an audit exception. Dennis Hemmer said he has no doubt the department will receive an audit exception, but this method of paying the bills is the only solution the department can come up with.

Representative Moore (550) asked if the Governor has authority to use disaster funds for the Missoula fire. Dennis Hemmer said only if it were declared a disaster, but the Missoula fire was not declared a disaster. In addition, he said the available disaster funds are not sufficient to cover the anticipated cost of the Missoula fire.

Representative Spaeth (581) agreed with Representative Waldron that the method of payment proposed by the department is in violation of existing law. He suggested the department look at the law and come back to the next session with suggested changes to the law because these fires are not unusual and are occurring more frequently. He said the problem has occurred three times in ten years, so it should be looked at to accommodate the situation.

In response to a question from Chairman Bardanouve, Dennis Hemmer said he projects the department will be able to pay approximately \$45,000 of the projected cost of \$400,000. He said there are no federal lands involved in the Missoula fire.

Representative Waldron (667) made a motion the department be urged to review the existing law and bring a proposal to the 1987 session to deal with future, similar situations of forest fires. Representative Moore (680) asked if this motion is proper for this special session. Representative Waldron said it is probably not appropriate and withdrew his motion.

Adjourn: The meeting adjourned at 11:15 a.m.

  
FRANCIS BARDANOUE, CHAIRMAN

# STANDING COMMITTEE REPORT

June 28,

19 85

MR. **SPEAKER**

## APPROPRIATIONS

We, your committee on .....

having had under consideration ..... **HOUSE** Bill No. **1**

**FIRST** reading copy ( **WHITE** )  
color

**APPROPRIATING MONEY FOR THE OPERATION OF THE SPECIAL SESSION OF THE FORTY-NINTH LEGISLATURE CONVENING ON JUNE 28, 1985**

**HOUSE**

**1**

Respectfully report as follows: That ..... Bill No. ....

### BE AMENDED AS FOLLOWS:

1. Page 1, line 14  
Following: "Representatives"  
Strike: "\$31,550"  
Insert: "\$27,849"
2. Page 1, line 15  
Following: "Senate"  
Strike: "20,473"  
Insert: "17,512"

**AND AS AMENDED**

**DO PASS**

*SL*  
*6/28*

STATE PUB. CO.  
Helena, Mont.

**FRANCOIS BAROANOUVE,**

Chairman.

**COMMITTEE SECRETARY**

ROLL CALL VOTE

HOUSE COMMITTEE APPROPRIATIONS

DATE 6/28/85 BILL NO. HB 1 TIME \_\_\_\_\_

NAME	AYE	NAY
Donaldson		
BARDANOUE, FRANCIS (Chairman)	x	
DONALDSON, GENE (Vice Chairman)	x	
BRADLEY, DOROTHY	x	
CONNELLY, MARY ELLEN	x	
ERNST, GENE	x	
HAND, BILL	x	
LORY, EARL	x	
MANUEL, REX	x	
MENAHAN, WILLIAM	x	
MILLER, RON	Absent	
MOORE, JACK		x
NATHE, DENNIS	x	
PECK, RAY	x	
QUILICI, JOE	x	
REHBERG, DENNIS	x	
SPAETH, GARY	x	
SWIFT, BERNIE	x	
THOFT, BOB		x
WALDRON, STEVE	x	
WINSLOW, CAL	x	

Totals... 17 2

JEAN CARROLL  
Secretary

FRANCIS BARDANOUE  
Chairman

Motion: HB 1 be amended as follows:

1. Page 1, line 14  
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~~Strike: "\$31,550"~~  
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~~Following: "Senate"~~  
~~Strike: "20,473"~~  
~~Insert: "17,512"~~



ROLL CALL VOTE

HOUSE COMMITTEE APPROPRIATIONS

DATE 6/28/85 BILL NO. HB 1 TIME \_\_\_\_\_

NAME	Winslow	AYE	NAY
BARDANOUE, FRANCIS (Chairman)		x	
DONALDSON, GENE (Vice Chairman)			x
BRADLEY, DOROTHY		x	
CONNELLY, MARY ELLEN			x
ERNST, GENE			x
HAND, BILL			x
LORY, EARL			x
MANUEL, REX			x
MENAHAN, WILLIAM			x
MILLER, RON		Absent	
MOORE, JACK		x	
NATHE, DENNIS			x
PECK, RAY			x
QUILICI, JOE			x
REHBERG, DENNIS			x
SPAETH, GARY		x	
SWIFT, BERNIE			x
THOFT, BOB			x
WALDRON, STEVE		x	
WINSLOW, CAL		x	

Totals... 6 13

JEAN CARROLL  
Secretary

FRANCIS BARDANOUE  
Chairman

Motion: Amend HB 1 as follows: (See Exhibit 2 of these Minutes)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FEED BILL  
SPECIAL SESSIONS BUDGET COMPARISON  
June 28, 1985

EXHIBIT 1  
Leg. Council  
6/28/85 - HB 1

	Nov.1981 Expended <u>47th #1</u>	June 1982 Expended <u>47th #2</u>	Dec.1983 Expended <u>48th #1</u>	June 1985 Budget <u>49th #1</u>
<u>House</u>				
Pre-Session (Legislators & Attaches)	\$ 39,504	\$20,015	\$ 7,423	\$ 7,402
Session				
Attache Salaries, Benefits	19,889	19,921	15,651	4,360
Legislator Salaries, Benef.	37,627	27,716	31,879	5,408
Expense Payments				
- Legislators	45,000	26,460	27,000	4,500
Printing	1,330	17	372	
Supplies	1,099	651	1,210	
Telephone & Postage	9,410	3,856	2,745	
Round-trip Mileage	15,740	10,768	7,102	7,724
Rent	992	680	1,808	
Other	<u>566</u>	<u>0</u>	<u>0</u>	<u>2,156</u>
Total House	171,157	110,084	95,190	31,550
 <u>Senate</u>				
Pre-Session (Legislators, Attaches)	26,510	9,895	5,676	5,182
Session				
Attache Salaries, Benefits	16,643	17,014	16,398	4,360
Legislator Salaries, Benef.	18,854	14,213	15,946	2,707
Expense Payments -				
Legislators	22,500	13,500	13,500	2,250
Printing	542	145	5	
Supplies	192	386	449	
Telephone & Postage	5,011	1,880	1,539	
Round-trip Mileage	10,470	4,577	3,790	3,817
Rent	3,091	1,250	1,611	
Maintenance -				
Roll Call System	0	0	2,563	
Other	<u>497</u>	<u>0</u>	<u>0</u>	<u>2,157</u>
Total Senate	104,310	62,860	61,477	20,473
 <u>Council</u>				
Salaries & Benefits	1,229	1,127	1,334	
Printing	13,909	8,791	5,232	
Supplies	465	52	535	
Telephone & Postage	576	0	948	
Travel (Prison Tour, Consultants)	0	1,027	0	
Contingency	<u>0</u>	<u>0</u>	<u>22</u>	<u>977</u>
Total Council	16,179	10,997	8,071	977
 GRAND TOTAL	<u>\$291,646</u>	<u>\$183,941</u>	<u>\$164,738</u>	<u>\$53,000</u>
	10 days	6 days	6 days	

Special Session June 1985

Amendment to House Bill 1  
Representative Winslow

1. Lines 11 and 12

Strike: general fund for fiscal years 1985 and 1986

Insert: local government block grant account prior to final distribution  
on June 30, 1985